

REMARKS

Claims 1 through 5 and 7 through 20 remain in this application. Claim 6 has been cancelled. Claims 1, 2, 4, 7, 8, 9, 17, 19 and 20 have been amended.

Claim Rejections under 35 U.S.C. 103

The Office Action rejected claims 1-2 and 7-20 under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 7,269,657 to Alexander et al. (“Alexander reference”) in view of U.S. Patent Publication Application 2005/0005202 to Burt et al. (“Burt reference”). However, there are clear errors in the rejection in that neither the Alexander reference nor the Burt reference, either alone or in combination, disclose or suggest the requirements of the claims.

Independent Claim 1 and dependent claims 2 through 19

Independent claim 1 states, “at least one monitoring circuit coupled to the network, wherein the at least one monitoring circuit is operable to examine packets communicated to the router and to provide network information associated with selected ones of the examined packets; circuitry for processing the provided network information based on a first type of analysis requested by the first management system and based on a second type of analysis requested by at least one node coupled to the network; and circuitry for including processed network information based on the second type of analysis into one or more packets; and circuitry for transmitting processed network information based on the first type of analysis to the first management system and transmitting the one or more packets with processed network information based on the second type of analysis over a data path in the network to the at least one node coupled to the network, wherein the at least one node is included within a second management system of a second network and is outside of the first management system.” The specification describes a problem in paragraph 6 that, “access to the various router-reported network information is limited to the management system.” As stated in the specification at paragraph 27, “From the above illustrations and description, one skilled in the art should appreciate that the preferred embodiments provide a dynamic system for communicating network monitoring information to destination EUDs outside of a management system.”

The Office Action has failed to provide a prima facie case of obviousness for independent claim 1 because it has not shown that the cited references disclose or suggest the elements, *inter alia*, of claim 1 of, “circuitry for processing the provided network information based on a first type of analysis requested by the first management system and based on a second type of analysis requested by at least one node coupled to the network; and circuitry for transmitting processed network information based on the first type of analysis to the management system and transmitting the one or more packets with processed network information based on the second type of analysis over a data path in the network to the at least one node coupled to the network, wherein the at least one node is included within a second management system of a second network and is outside of the first management system.” The Office Action admits in paragraph 4, page 3 that the Alexander reference “does not explicitly disclose: wherein the at least one node is outside of the management system.” In fact, the Alexander reference teaches away from the present invention by only disclosing the problem stated in this specification that, “access to the various router-reported network information is limited to the management system,” as described at column 5, lines 39-40 and column 11, lines 61-62. As such, the Alexander fails to disclose circuitry for processing the provided network information based on a second type of analysis requested by at least one node coupled to the network; and circuitry for transmitting the one or more packets with processed network information based on the second type of analysis to a node that is included within a second management system of a second network and is outside of the first management system.

The Burt reference fails to add to the Alexander reference to teach or suggest the elements, *inter alia*, of claim 1 of, “circuitry for processing the provided network information based on a first type of analysis requested by the first management system and based on a second type of analysis requested by at least one node coupled to the network; and circuitry for transmitting processed network information based on the first type of analysis to the management system and transmitting the one or more packets with processed network information based on the second type of analysis over a data path in the network to the at least one node coupled to the network, wherein the at least one node is included within a second management system of a second network and is outside of the first management system.” The

Office Action states on page 4 that the Burt reference “teaches the agent sending notification to actual users and customers outside of management,” and cites paragraph 22-24 and 27 of the Burt reference. However, the actual users and customers described in the Burt reference are not part of a second management system and outside of the first management system. As stated in paragraphs 23-25 of the Burt reference:

“[0023] Agent 148 notifies customer support system 110 when the counters or counter instances exceed thresholds specified by customer support system 110 or by user s or customers of the healthcare information system. Agent 148 also notifies customers (or customer support system 110) when the counters exceed thresholds specified by customers or users. A user or customer of a healthcare information system refers to, among other things, a doctor, a nurse, a healthcare administrator, or an insurance specialist. Threshold, as used in this disclosure, refers to a value that marks a boundary indicating a level of concern. A threshold may concern hardware or software system performance as well as business operational status. In various embodiments, thresholds may be predetermined by either the customer support system or the customer (user) of the healthcare information system.

[0024] Notifications may be delivered to a designated representative, such as a customer representative, or a customer (user), as desired. The designated representative may be a human or an automated system or process. In one embodiment, the designated representative may be responsible for one or more counters, such that the notification concerning these counters are forwarded to the designated representative. In another embodiment, the designated representative may be responsible for one or more healthcare information systems, such that all notifications concerning these healthcare information systems are forwarded to the designated representative. A designated customer representative may be associated with the customer support system 110. That is, for example, the customer support system 110 may have appointed one or more customer representatives who are responsible for one or more counters according to various embodiments.

[0025] In one embodiment, the proactive support system 110 further includes an operator capable of performing necessary fixes in response to the notified problems. By repairing the problems, the operator thus brings the value of the counter or counter instance back within the prescribed threshold. The operator may be a human or an automated system or process. The operator may manually or automatically performing the necessary fixes. In certain embodiments, the operator is part of the customer support system. For example, once a notification is acknowledged, the customer support system may repair the customer system, reconfigure the healthcare information system, or send fixes and new updates. In other embodiments, the operator is part of the customer system, which allows the user or customer to respond to the notification of business performance exceptions and adjust business operations accordingly.”

As described above, the Burt reference only describes an element/network manager agent 148 in the health care information system that notifies a designated representative responsible for operation of the network or health care information system. As such, the Burt reference fails to disclose circuitry for processing the provided network information based on a second type of analysis requested by at least one node coupled to the network; and circuitry for transmitting the one or more packets with processed network information based on the second type of analysis to a node that is included within a second management system of a second network and is outside of the first management system.

Furthermore, the combination of the Alexander reference and the Burt reference fails to teach or suggest the elements, *inter alia*, of claim 1 of, “circuitry for processing the provided network information based on a first type of analysis requested by the first management system and based on a second type of analysis requested by at least one node coupled to the network; and circuitry for transmitting processed network information based on the first type of analysis to the management system and transmitting the one or more packets with processed network information based on the second type of analysis over a data path in the network to the at least one node coupled to the network, wherein the at least one node is included within a second management system of a second network and is outside of the first management system.” The

combination of the Alexander reference and the Burt reference would at most teach that the QoS managers in the Alexander reference would provide notifications to representatives responsible for the domains. Accordingly, the combined teachings of Alexander reference and the Burt reference fail to teach or suggest the requirements of claim 1. As a dependent claims to claim 1, claims 2 through 5 and 7 through 19 add further patentable matter to claim 1 and thus are further differentiated and patentable under 35 U.S.C. §103 over the Alexander reference in view of the Burt reference.

Independent Claim 20

Independent claim 20 states, “operating a monitoring circuit to examine packets communicated to the router and to provide network information associated with selected ones of the examined packets; processing the provided network information; including the processed network information into of one or more packets; and transmitting the one or more packets along the network to at least one node coupled to the network, wherein the at least one node is included within a second management system of a second network and is outside of the first management system.”

The Office Action has failed to provide a prima facie case of obviousness for independent claim 20 because it has not shown that the cited references disclose or suggest the elements, *inter alia*, of claim 20 of, “transmitting the one or more packets along the network to at least one node coupled to the network, wherein the at least one node is included within a second management system of a second network and is outside of the first management system.” The Office Action admits in paragraph 4, page 3 that the Alexander reference “does not explicitly disclose: wherein the at least one node is outside of the management system.” In fact, the Alexander reference teaches away from the present invention by only disclosing the problem stated in this specification that, “access to the various router-reported network information is limited to the management system.” As described at column 5, lines 39-40 and column 11, lines 61-62, the Alexander reference only teaches transmitting processed information in one or more packets to a manager of the network domain.

The Burt reference fails to add to the Alexander reference to teach or suggest the elements of claim 20. The Office Action states on page 4 that the Burt reference “teaches the

agent sending notification to actual users and customers outside of management,” and cites paragraph 22-24 and 27 of the Burt reference. However, the Burt reference only describes an element/network manager agent 148 in the health care information system that notifies a designated representative responsible for operation of the network or health care information system.

Furthermore, the combination of the Alexander reference and the Burt reference fails to teach or suggest the elements, *inter alia*, of claim 20 of, transmitting the one or more packets along the network to at least one node coupled to the network, wherein the at least one node is included within a second management system of a second network and is outside of the first management system.” The combination of the Alexander reference and the Burt reference would at most teach that the QoS managers in the Alexander reference would provide notifications to representatives responsible for the domains. Accordingly, the combined teachings of Alexander reference and the Burt reference fail to teach or suggest the requirements of claim 20.

CONCLUSION

For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact Jessica Smith at (972) 240-5324.

Respectfully submitted,

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